



Virginia  
Regulatory  
Town Hall

## Proposed Regulation Agency Background Document

<b>Agency Name:</b>	Virginia Department of Social Services
<b>VAC Chapter Number:</b>	22 VAC 40-230-10
<b>Regulation Title:</b>	Agency Placement Adoptions - Pre-placement Services
<b>Action Title:</b>	Repeal
<b>Date:</b>	April 4, 2000

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

### Summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

This regulation requires development of an adoption placement plan to ensure that adoptions for children in foster care are facilitated in a timely manner.

**Basis**

*Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.*

Sections 63.1-25 and 63.1-56, of the Code of Virginia, grant authority to the State Board of Social Services to promulgate regulations for the provision of foster care services that shall be directed toward the prevention of unnecessary foster care placements and toward the permanent planning for children in the custody of or placed by local boards of social services. Rulemaking under these two sections of the Code is permissible, rather than mandatory.

**Purpose**

*Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.*

The Department is seeking to repeal this regulation. The requirement for development of an adoptive placement plan will be incorporated into foster care policies and procedures to be implemented at the point in time that adoption is selected as the goal for the child.

**Substance**

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.*

This regulation requires development of a foster care service plan that identifies the specific services that will be provided to achieve the goal of adoption for the child.

## Issues

*Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.*

State law passed in 1998, requires submission to the court of an Adoption Progress Report six months following termination of parental rights and every six months thereafter until finalization of the adoption. Since this requirement is in state law, a regulation is not needed.

## Fiscal Impact

*Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.*

Repeal of this regulation will have no fiscal impact.

## Detail of Changes

*Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.*

N/A

## Alternatives

*Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

In 1992, the department established a committee for the purpose of providing guidance in the development of regulations governing adoption. This committee is called the Adoption Advisory Board and has the following goals: (1) to provide a forum for comprehensive reviews of policies governing adoption, (2) to identify and recommend suggested revisions, (3) to review draft proposals of policy revisions, and (4) to provide recommendations for the enhancement of

the adoption program in Virginia. Membership of the committee consists of all stakeholders in the adoption process including adoption agencies, local departments of social services, other community organizations, administrators of agencies, birth parents, adoptive parents, adoptees and adoption attorneys.

A review by the Adoption Advisory Board was the process used by the department to consider the continuing need for this regulation, proposed revisions to this regulation, or the elimination of this regulation. The review by the Adoption Advisory Board resulted in a determination that the regulation be repealed.

**Public Comment**

*Please summarize all public comment received during the NOIRA comment period and provide the agency response.*

No public comments were received during the NOIRA comment period. Enter Statement Here

**Clarity of the Regulation**

*Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.*

N/A

**Periodic Review**

*Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.*

N/A

**Family Impact Statement**

*Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The repeal of this regulation will not have an impact on families. The responsibility for developing an Adoptive Placement Plan has been transferred to the foster care section and replaced by a filing of an Adoption Progress Report to the juvenile court within six months of a termination of parental rights and every six months thereafter. Thus, the impact of this proposed policy revision is that children will be more closely monitored by the court to ensure that progress is being made to find adoptive homes for children in foster care who cannot return to their birth families.